UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>07 May 2007</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-14,16 and 18-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-14,16 and 18-21</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>07 May 2007</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some *   c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>20061211</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office action is in response to the amendment filed on May 7, 2007.

2.   **Claims 1-14, 16, 18-21** are pending.

3.   **Claims 4-7, 14, 16, and 18-21** have been amended.

4.   **Claims 15 and 17** have been cancelled.

5.   The objection to the oath/declaration is withdrawn in view of Applicant's submission of a

supplemental oath/declaration.

6.   The objection to the drawings is withdrawn in view of Applicant's submission of a

replacement drawing sheet.

7.   The objections to Claims 4, 7, and 14 are withdrawn in view of Applicant's amendments

to the claims. However, Applicant's amendments to the claims fail to fully address the objection

to Claim 8 due to a typographical error. Accordingly, this objection is maintained and further

explained below.

8.   The 35 U.S.C. § 112, second paragraph, rejections of Claims 7, 8, and 16 are withdrawn

in view of Applicant's amendments to the claims. However, Applicant's amendments to Claim 7

fail to fully address the rejection due to insufficient antecedent basis. Accordingly, this rejection

is maintained and further explained below.

9.   The 35 U.S.C. § 101 rejections of Claims 15-19 are withdrawn in view of Applicant's

cancellation of Claims 15 and 17 and amendments to Claims 16, 18, and 19.

Response to Amendment

Claim Objections

10.   **Claims 8 and 21** are objected to because of the following informalities:

*   **Claim 8** contains a typographical error: a colon (:) should be added after the phrase

"step of" and the claim limitation should subsequently start on a new line.

*   **Claim 21** contains a typographical error: "one or more lines" is repeated twice and

should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

11.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
subject matter which the applicant regards as his invention.

12.   **Claims 7 and 8** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

Claim 7 recites the limitation "the active portion." There is insufficient antecedent basis

for this limitation in the claim. In the interest of compact prosecution, the Examiner subsequently

interprets this limitation as reading "the active conflict" for the purpose of further examination.

Claim 8 depends on Claim 7 and, therefore, suffers the same deficiency as Claim 7.

Claim Rejections - 35 USC § 102

13.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14.   **Claims 1, 3-9, 13, 14, 16, and 18-20** are rejected under 35 U.S.C. 102(e) as being

anticipated by **Fontes, Jr.** **(US 6,912,707)**.

As per **Claim 1**, Fontes, Jr. discloses:

-    producing a first set of stacked diffs between the first computer file and the common

computer file *(see Figure 6; Column 4: 42-50, "... architect is creating revised base drawing*

602."; Column 9: 7-12, "These 'changes only' files are called 'Diff Files.'" and "... instead of

sending the entire revision 302 file back to architect 200, engineer 204 can send only the

changes that engineer 204 made to base drawing 300.");

-    producing a second set of stacked diffs between the second computer file and the

common computer file *(see Figure 6; Column 4: 42-50, "Architect 200 creates base drawing*

300 and sends base drawing 300 to engineer 204 via path 202. While engineer 204 is creating

revision 600 ..."; Column 9: 7-12, "These 'changes only' files are called 'Diff Files.'" and "...

instead of sending the entire revision 302 file back to architect 200, engineer 204 can send only the changes that engineer 204 made to base drawing 300."); and

- simultaneously displaying the first and second sets of stacked diffs, wherein common lines of the first and second sets of stacked diffs are aligned and new lines of each of the first and second sets of stacked diffs are aligned with blank lines of the other stacked diff *(see Figures 10 and 12; Column 6: 40-48, "... the user can define which file is considered the revision 302 and which file is considered the revised base 500, such that the user-defined revision file 302 appears on the left and the user-defined revised base 500 file appears on the right."; Column 7: 1-5, "Window 1200 contains windows 1202 and 1204, which display the layer information for base drawing 300 and revision 302. Window 1200 can also be used with the merge and parallel evolution mode of the present invention. If a layer is missing from either base drawing 300 or revision 302, the layer appears as a blank line in the other drawing file's window 1202 or 1204.").*

As per **Claim 3**, the rejection of **Claim 1** is incorporated; and <u>Fontes, Jr.</u> further discloses:

- wherein conflicts between the first and second computer files are displayed and only one conflict is active at a time *(see Column 6: 26-30, "Window 1002 displays revision 302, and window 1004 displays revised base 500. In window 1002, line 1006 is shown as a dashed line, and in window 904, line 1008 is shown as a solid line. This indicates to the user that line 1006 and line 1008 are different between the two drawings.").*

As per **Claim 4**, the rejection of **Claim 3** is incorporated; and <u>Fontes, Jr.</u> further disncloses:

-   displaying version control system metadata relating to the active conflict *(see Column 9: 38-41, "Prior to applying the diff file, the comparator compares the identification values of the base drawing 300 and the diff file, and warns the user if the values don't match.")*.

As per **Claim 5**, the rejection of **Claim 4** is incorporated; and <u>Fontes, Jr.</u> further disncloses:

-   wherein version control system metadata comprises a revision number, date, checkin comments, and/or user identification pertaining to the version in which data was created *(see Column 9: 13-17 and 35-38, "A diff file must contain enough information to add ... data." and "To ensure that the correct base drawing 300 is undergoing the comparison by comparator 120, the diff file contains a identification that is compared to the base drawing 300.")*.

As per **Claim 6**, the rejection of **Claim 4** is incorporated; and <u>Fontes, Jr.</u> further disncloses:

-   wherein version control system metadata comprises a revision number, date, checkin comments, and/or user identification pertaining to the version in which data was deleted *(see Column 9: 13-17 and 35-38, "A diff file must contain enough information to ... delete data." and "To ensure that the correct base drawing 300 is undergoing the comparison by comparator 120, the diff file contains a identification that is compared to the base drawing 300.")*.

As per **Claim 7**, the rejection of **Claim 4** is incorporated; and <u>Fontes, Jr.</u> further

discloses:

- searching an active conflict of the first and second sets of stacked diffs *(see Column

9: 13-17, "A diff file must contain enough information to add, modify, and delete data ... This

data is stored as a series of operations. When the user applies a diff file as a revision 302,

comparator 120 iterates through the database operations and applies each one to the base

drawing 300.")*;

- creating a list of revisions for lines deleted from the active conflict *(see Column 9:

18-22, "Viewing the diff file as a collection of records, a typical record for entity data would

have an operation that is performed on the entity, e.g., update, delete, or insert; data needed if

the operation is an update or insertion, and the handle of the entity, if it is an update or

deletion.")*;

- creating a list of revisions for lines added from the active conflict *(see Column 9: 18-

22, "Viewing the diff file as a collection of records, a typical record for entity data would have

an operation that is performed on the entity, e.g., update, delete, or insert; data needed if the

operation is an update or insertion, and the handle of the entity, if it is an update or deletion.")*;

and

- displaying the version control system metadata relating to the deleted lines and/or the

added lines *(see Column 9: 38-41, "Prior to applying the diff file, the comparator compares the

identification values of the base drawing 300 and the diff file, and warns the user if the values

don't match.")*.

As per **Claim 8**, the rejection of **Claim 7** is incorporated; and Fontes, Jr. further

discloses:

- displaying creation information or deletion information for deleted lines *(see Column*

6: 32-34, "Thus, the comparator considers revision 302 to be correct, and displays changes to

revision 302 instead of revised base 500.").

As per **Claim 9**, the rejection of **Claim 3** is incorporated; and Fontes, Jr. further

discloses:

- alternatively displaying or not displaying deleted lines in the active conflict in the

first and second set of stacked diffs *(see Column 5: 54-59, "Other indications of differences*

between base drawing 300 and revision 302 are possible with the present invention, e.g., lines

can be displayed in different colors, can 'blink' on and off to show differences, or any other

manner of indicating to the user that something has changed between the two drawings.").

As per **Claim 13**, the rejection of **Claim 1** is incorporated; and Fontes, Jr. further

discloses:

- alternatively displaying or not displaying deleted lines in the first and second sets of

stacked diffs *(see Column 5: 54-59, "Other indications of differences between base drawing 300*

and revision 302 are possible with the present invention, e.g., lines can be displayed in different

colors, can 'blink' on and off to show differences, or any other manner of indicating to the user

that something has changed between the two drawings.").

As per **Claim 14**, the rejection of **Claim 1** is incorporated; and <u>Fontes, Jr.</u> further discloses:

- alternatively displaying or not displaying annotations with the first and second sets of stacked diffs *(see Figures 16A and 16B; Column 7: 56-63, "FIGS. 16A and 16B illustrate summaries of the comparison presented by the present invention. FIG. 16A illustrates the comparator 120 of the present invention outputting on window 1600 a list of all files compared in the comparison described in FIG. 15. The summary is shown in result order in FIG. 16A, and file alphabetical order in FIG. 16B.")*.

Claim 20 is a computer readable medium claim corresponding to the method claim above (Claim 1) and, therefore, is rejected for the same reason set forth in the rejection of Claim 1.

As per **Claim 16**, the rejection of **Claim 20** is incorporated; and <u>Fontes, Jr.</u> further discloses:

- wherein simultaneously displaying the first and second sets of stacked diffs comprises displaying version control metadata relating to an active conflict *(see Column 9: 38-41, "Prior to applying the diff file, the comparator compares the identification values of the base drawing 300 and the diff file, and warns the user if the values don't match.")*.

As per **Claim 18**, the rejection of **Claim 20** is incorporated; and <u>Fontes, Jr.</u> further discloses:

- computer program code for displaying annotations in the first and second sets of

stacked diffs *(see Figures 16A and 16B; Column 7: 56-63, "FIGS. 16A and 16B illustrate*

summaries of the comparison presented by the present invention. FIG. 16A illustrates the

comparator 120 of the present invention outputting on window 1600 a list of all files compared

in the comparison described in FIG. 15. The summary is shown in result order in FIG. 16A, and

file alphabetical order in FIG. 16B.").

As per **Claim 19**, the rejection of **Claim 20** is incorporated; and <u>Fontes, Jr.</u> further

discloses:

- computer program code for alternatively displaying or not displaying deleted lines in

the first and second sets of stacked diffs *(see Column 5: 54-59, "Other indications of differences*

between base drawing 300 and revision 302 are possible with the present invention, e.g., lines

can be displayed in different colors, can 'blink' on and off to show differences, or any other

manner of indicating to the user that something has changed between the two drawings.").

Claim Rejections - 35 USC § 103

15.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

16.   **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Fontes, Jr.** (US

6,912,707) in view of **Hughes (US 6,275,223)**.

As per **Claim 2**, the rejection of **Claim 1** is incorporated; however, Fontes, Jr. does not

disclose:

-     wherein the first and second sets of stacked diffs can be scrolled together.

Hughes discloses:

-     wherein the first and second sets of stacked diffs can be scrolled together *(see Column

12: 43-56, "The original source code and new source code can be scrolled up and down

together by activation of vertical scroll bar 1505. Respective first and second source code

windows each have a corresponding respective horizontal scroll bar 1506, 1513 for enabling

horizontal scrolling of code items within the source code windows. ").*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of Hughes into the teaching of Fontes, Jr. to

include wherein the first and second sets of stacked diffs can be scrolled together. The

modification would be obvious because one of ordinary skill in the art would be motivated to

improve usability in visual comparison of the software files.

17.   **Claims 10, 12, and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Fontes, Jr. (US 6,912,707) in view of **Percival et al.** (US 6,226,652).

As per **Claim 10**, the rejection of **Claim 1** is incorporated; however, Fontes, Jr. does not

disclose:

-   selecting one line or block of lines from either of the first and second sets of stacked

diffs;

-   copying the selected lines to a conflict resolution pane; and

-   repeating the selecting and copying steps to achieve a conflict resolution.

Percival et al. disclose:

-   selecting one line or block of lines from either of the first and second sets of stacked

diffs *(see Column 4: 9-11, "To merge the files, User A must mark blocks or lines of code to be*

excluded from the target (i.e., the file which will be checked into the database) ...");

-   copying the selected lines to a conflict resolution pane *(see Column 4: 11-12, "...*

then saves and checks in the resulting file."); and

-   repeating the selecting and copying steps to achieve a conflict resolution *(see Column*

4: 12-17, "To deal with the second collision, User A must start all over again, once again

navigating the menubar ..., selecting another collision record from the list, etc. This process

must be repeated for each of the detected collisions, i.e., for each file pair with differences.").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of <u>Percival et al.</u> into the teaching of <u>Fontes, Jr.</u>

to include selecting one line or block of lines from either of the first and second sets of stacked

diffs; copying the selected lines to a conflict resolution pane; and repeating the selecting and

copying steps to achieve a conflict resolution. The modification would be obvious because one

of ordinary skill in the art would be motivated to allow a user to merge one set of changed files at

a time *(see <u>Percival et al.</u> – Column 1: 22-25)*.

As per **Claim 12**, the rejection of **Claim 10** is incorporated; and <u>Fontes, Jr.</u> further

discloses:

- moving to a successive or previous conflict *(see Column 6: 4-8, "If the user wants the

final drawing to look like the revision 302, the user can select the next button 914 to go to the

next change. If the user goes past a change and wants to review it again, the user can review

previous changes by selecting button 912 ...").

As per **Claim 21**, the rejection of **Claim 20** is incorporated; however, <u>Fontes, Jr.</u> does not

disclose:

- computer program code for selecting one or more lines from each of the first and

second sets of stacked diffs and for copying the selected lines to a conflict resolution pane.

<u>Percival et al.</u> disclose:

- computer program code for selecting one or more lines from each of the first and

second sets of stacked diffs and for copying the selected lines to a conflict resolution pane *(see*

Column 4: 9-12, "To merge the files, User A must mark blocks or lines of code to be excluded

from the target (i.e., the file which will be checked into the database), and then saves and checks

in the resulting file..").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of Percival et al. into the teaching of Fontes, Jr.

to include computer program code for selecting one or more lines from each of the first and

second sets of stacked diffs and for copying the selected lines to a conflict resolution pane. The

modification would be obvious because one of ordinary skill in the art would be motivated to

allow a user to merge one set of changed files at a time *(see Percival et al. – Column 1: 22-25).*

18.   **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Fontes, Jr. (US**

6,912,707) in view of **Percival et al. (US 6,226,652)** as applied to Claim 10 above, and further in

view of **Budinsky et al. (US 6,407,753).**

As per **Claim 11**, the rejection of **Claim 10** is incorporated; however, Fontes, Jr. and

Percival et al. do not disclose:

- undoing the selection and copying steps.

Budinsky et al. disclose:

- undoing the selection and copying steps *(see Column 9: 35-38, "A determination is*

then made as to whether the selected rule is disabled (step 603), for example, by either an

'Undo' operation manually selected by the user, or manually disabled by the user upon viewing

the rule set.").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of <u>Budinsky et al.</u> into the teaching of <u>Fontes, Jr.</u>

to include undoing the selection and copying steps. The modification would be obvious because

one of ordinary skill in the art would be motivated to revert selected data back to its original

state.

Response to Arguments

19.   Applicant's arguments filed on May 7, 2007 have been fully considered, but they are not

persuasive.

In the remarks, Applicant argues that:

a)   In contrast, Fontes, Jr. discloses a method that compares two graphical software objects

with each other and generates a file describing the differences between the graphical software

objects. Fontes, Jr., Abstract. The method disclosed in Fontes, Jr. compares "a first graphical

software object with a second graphical software object" and determines "a difference between

the objects." Fontes, Jr., col. 1, lines 31-33. As an example, Fontes, Jr. provides:

> Architect 200 creates base drawing 300 and sends base drawing 300 to engineer 204 via
> path 202. While engineer 204 is creating revision 600, architect is creating revised base
> drawing 602. Engineer sends revision 600 back to architect 200, who must then combine
> the changes made in revised base drawing 602 with the changes made in revision 600.

Fontes, Jr., col. 4, lines 44-50. Thus, Fontes, Jr. discloses comparing a first computer file (e.g.,

revision 600) with a second computer file (e.g., revised base drawing 602) to determine the

differences between the first computer file and the second computer file. However, Fontes, Jr.

fails to disclose "producing a first set of stacked diffs between the first computer file and the

common computer file" and "producing a second set of stacked diffs between the second

computer file and the common computer file." There is no "common computer file" in Fontes,

Jr., which merely compares two graphical software objects with each other, rather than

comparing each graphical software element with "a common computer file." At most, Fontes, Jr.

discloses determining differences between a first graphical software object and a second

graphical software object; and does not disclose "producing a first set of stacked diffs between

the first computer file and the common computer file" and "producing a second set of stacked

diffs between the second computer file and the common computer file" as recited in claim 1.

Examiner's response:

a)   Examiner disagrees. <u>Fontes, Jr.</u> clearly discloses "producing a first set of stacked diffs

between the first computer file and the common computer file *(see Figure 6; Column 4: 42-50,*

"... architect is creating revised base drawing 602."; Column 9: 7-12, "These 'changes only'

files are called 'Diff Files.'" and "... instead of sending the entire revision 302 file back to

architect 200, engineer 204 can send only the changes that engineer 204 made to base drawing

300.")" and "producing a second set of stacked diffs between the second computer file and the

common computer file *(see Figure 6; Column 4: 42-50, "Architect 200 creates base drawing*

300 and sends base drawing 300 to engineer 204 via path 202. While engineer 204 is creating

revision 600 ..."; Column 9: 7-12, "These 'changes only' files are called 'Diff Files.'" and "...

instead of sending the entire revision 302 file back to architect 200, engineer 204 can send only

the changes that engineer 204 made to base drawing 300.")."

Note that the base drawing is interpreted as the "common computer file." Both architect

and engineer create revisions of the base drawing as shown in Figure 6. The "changes only" files

made to the base drawing are referred to as "Diff Files."

Conclusion

20.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Qing Chen whose telephone number is 571-270-1071. The

Examiner can normally be reached on Monday through Thursday from 7:30 AM to 4:00 PM.

The Examiner can also be reached on alternate Fridays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Wei Zhen, can be reached on 571-272-3708. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WEI ZHEN
SUPERVISORY PATENT EXAMINER

QC / *al*
June 18, 2007